

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22246 of 2026

Arising Out of PS. Case No.-243 Year-2025 Thana- NADI P.S. District- Patna

Sanjay Kumar S/o Chanarik Rai R/o Village- Mohanpur, P.S- Raghopur, Dist-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2026 Heard Ms. Priyanka Singh, learned counsel for the

petitioner and Mr. Murli Dhar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.09.2025 in Spl. N.D.P.S Case No. 277 of 2025 arising out of
Nadi P.S. Case No. 243 of 2025, F.I.R. dated 31.08.2025 for the
offences punishable under Sections 8/20(b)(ii)(C) of the
Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 65 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It appears from the FIR that
altogether in presence of Magistrate 65 kg of Ganja, an electric
weighing machine, an ordinary weighing machine with weights



and a mobile phone were recovered and the petitioner was apprehended at the place of occurrence.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 65 kg of Ganja has been recovered from the house of the petitioner and it appears from the FIR that huge quantity of Ganja was recovered so there is embargo under Section 37 of the NDPS Act to grant privilege of bail to the petitioner.

6. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substances Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that the petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors Vs. Rajesh & Ors**, reported in **2020(12) SCC 122** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and recently decided the judgment in the case of **Union of India Vs. Ajay Kumar Singh**



@ Pappu, reported in **2023 SCC OnLine SC 346**.

8. The recovery of huge quantity of Ganja from possession of the petitioner would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

9. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Nadi P.S. Case No. 243 of 2025, pending in the court of learned Exclusive Special Judge (NDPS Act) Court No.1, Patna.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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